

# COVINGTON

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**By Electronic Filing**

February 12, 2018

The Honorable Lorna G. Schofield  
United States District Judge  
United States District Court for  
the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *Abu Nahl v. Abou Jaoude*, No. 15 Civ. 09755 (LGS)**  
**Request for Oral Argument**

Dear Judge Schofield:

In accordance with Rule III.B.6 of the Court's Individual Rules and Procedures for Civil Cases, Plaintiffs Ghazi Abu Nahl and Nest Investments Holding Lebanon SAL, respectfully request oral argument on Defendants' motion to dismiss the First Amended Complaint (ECF No. 63). We appreciate that Your Honor ordinarily does not hear oral argument, but we respectfully submit that argument is appropriate here in light of Defendants' reply brief. Specifically, Defendants' reply: (a) makes a new argument concerning why Plaintiffs purportedly have not asserted a valid claim for aiding and abetting violations of the law of nations (see Defs' Reply Br. at 6); (b) attaches a new substantive declaration (see ECF No. 80); and (c) in just ten pages cites 34 cases that were neither cited in Defendants' opening brief nor in Plaintiffs' opposition. Fairness dictates that Plaintiffs be afforded an opportunity to address Defendants' new argument, new declaration and numerous new cases.

We respectfully submit that oral argument is also appropriate given the multiple issues raised by Defendants' motion to dismiss, including forum non conveniens, res judicata, Plaintiffs' standing to sue under the Alien Tort Claims Act, whether certain entities are necessary parties under Fed. R. Civ. P. 19, personal jurisdiction, waiver, statute of limitations, and whether Plaintiffs can assert derivative claims.

If the Court allows oral argument, Andrew Siegel, a 2014 law school graduate, would argue the motion to dismiss for Plaintiffs.

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We appreciate Your Honor's attention to our request.

Respectfully submitted,

/s/ Dennis Auerbach  
Dennis Auerbach  
(admitted *pro hac vice*)

cc: Counsel of Record (via ECF)